

**Speech-Language Pathology and Audiology Board**

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**SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD
FINAL STATEMENT OF REASONS****SUBJECT OF PROPOSED REGULATIONS:** Approved Institutions & Advertising**SECTIONS AFFECTED:** Amend Sections 1399.152, 1399.156.4 of Title 16, Division 13.4, Article 3**UPDATE OF INITIAL STATEMENT OF REASONS**

The Initial Statement of Reasons is included in this rulemaking file (K). The Board modified the proposed text contained in the initial notice package as a result of the comments received during the 45-day public comment period. The information contained therein is updated as follows:

The originally proposed regulation language was noticed by the Office of Administrative Law on June 17, 2005 (OAL File #Z05-0617-04). The Board filed the regulation package to amend existing provisions and delete references to antiquated language regarding the accreditation of speech-language pathology and audiology educational institutions and replace the language with current accreditation standards, including new accreditation standards for audiology doctoral training programs. In addition, the proposal amends existing professional advertising provisions, consistent with statutory authority providing for professional licensees to advertise their earned academic degrees in a manner that is not misleading or deceptive to the public.

The Board held a regulation hearing on August 18, 2005, however, only one oral comment was received and it was in support of the proposed language. The Board did receive written comments during the public comment period (July 1, 2005 through August 15, 2005) and, based on such comments, supported modification of the proposed language as follows:

1. Amended Section 1399.152 (b) to specify that accrediting bodies must be recognized by the *United States* Department of Education and further clarified that program accreditation should be focused in the discipline for which licensure is sought.
2. Amended Section 1399.152(c) to include graduate audiology program accreditation, as this provision is intended to apply to individuals who graduated from an accredited speech-language pathology or audiology Master's Degree training program. Also, the Board made technical changes to references regarding the authority of the accrediting organization.
3. Amended Section 1399.152(d) to address program accreditation standards for audiology doctoral programs and removed the prescriptive training criteria. The Board determined that the proposed language, previously included in subsection (d) (1)-(3) specifying audiology doctoral training program criteria, was unnecessary at this time. The language was intended to establish specific program criteria in terms of both didactic and clinical training applicable to audiology doctoral training programs that did not possess professional program accreditation.

After researching the accreditation status of the audiology doctoral programs across the country, the Board discovered that there were no existing unaccredited programs. Further, the data collected by the Board and compiled in the “Table of AuD Program Components” as modified September 8, 2005, and included in the rulemaking file, confirmed that the Board’s proposed criteria were not consistent with a majority of the existing program models. In fact, it was clear from the data collected that a single uniform program model may not exist.

The Board adopted the modified text at its Board meeting on August 18, 2005. Notice of the Availability of Modified Text and the Modified Text, along with the Addition of Documents and/or Information to the Rulemaking File, was sent to the public on September 14, 2005, informing the noticed parties of the availability for public inspection and comment on these documents and information from September 15, 2005 through September 30, 2005.

A total of three public comments were received by one individual during the 15-day public comment. The Board reviewed the comments received, along with a draft of the final statement of reasons, at a Board meeting held on October 28, 2005. The Board reversed a prior decision to exclude a qualifier that would clarify that the training program accreditation status should be evaluated at the time of an applicant’s graduation [See ASHA comment (2) received during 45-day comment period], and thus added the suggested language. In addition the Board amended Section 1399.152(d), as suggested by public comment, and added language to approve training programs holding candidacy status as awarded by recognized accrediting organizations.

It should be noted that, while very few public comments were received during the regulatory public comment period, the Board has held numerous public meetings over the past three years to discuss the proposed changes to the board-approved institution definitions and the professional advertising provisions. At each of these public meetings, the Board held in-depth discussions regarding the proposed changes and considered comments and suggestions from several licensees, state and national professional associations, educational training program directors and faculty, and consumers. The minutes of each of the public meetings is included in the rulemaking file ().

In addition to the public comments received, the Board received input from the Department of Consumer Affairs’ Budget Office regarding the information contained in the Economic and Fiscal Impact Statement form. The Board amended the form based on direction from the Department, which included reporting that the proposed regulations created an economic impact on existing audiology training programs that may undergo the transition to doctoral training. The form was also amended to state that audiology students may be impacted, as they will be subjected to completing a lengthier course of study. The fiscal impact information was amended to reflect that the proposed regulations will not have a fiscal effect on state government.

UNDERLYING DATA

As noted in the initial statement of reasons, The American Speech-Language-Hearing Association’s Council on Academic Accreditation in Audiology and Speech-Language Pathology “Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology,” effective January 1, 1999 (Revised February 2004, May 2004), was the formative resource document for the proposed changes. In addition, the Board had begun to conduct an informal survey of a number of audiology doctoral training programs to identify whether consistent standards for academic and clinical doctoral training exist. The survey was preliminary and incomplete at the time the regulations were noticed; however, the Board continued to gather

information throughout the initial public comment period, such that it was necessary for the Board to add the survey information, which was compiled in a table, to the rulemaking file.

The following document was added to the rulemaking file:

1. Informal research: Table of AuD program components as modified September 8, 2005.

LOCAL MANDATE

The proposed regulations do not impose any mandate on local agencies or school districts.

BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses. Existing audiology training programs may experience increased one-time costs to transition from Master's Degree level training programs to the Doctoral Degree programs. In addition, prospective students will be subject to completing a lengthier course of study.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

OBJECTIONS OR RECOMMENDATIONS/RESPONSES TO COMMENTS RECEIVED DURING THE NOTICE PERIOD (7/1/05-8/18/05)

Organization/Individual: Charlie Diggs, Ph.D., on behalf of the American Speech-Language-Hearing Association (ASHA)

- 1) Comment: ASHA suggested that the Board clarify accreditation references included in Section 1399.152 (b) and specify that both the United States Department of Education and the Council on Higher Education Accreditation recognize accrediting bodies that grant accreditation to training programs. Further, ASHA suggested that program accreditation should be refined to state "in the area for which licensure is sought," so that accreditation standards for the two professions, that is speech-language pathology and audiology, remain distinct.

Response: The Board agrees with the suggestions as stated above and has amended the regulation language to clarify the organizations responsible for recognizing accrediting bodies and has further defined program accreditation.

- 2) Comment: ASHA suggested that Section 1399.152(c) be amended to include audiology graduate program accreditation, thus providing an avenue for audiologists who earned a Master's Degree to continue to qualify for licensure. In addition, ASHA recommended that the time of accreditation be specified as the time of the applicant's graduation. ASHA requested that a technical change be considered regarding the relationship between ASHA and its associated accrediting body, stating that ASHA "authorizes," as opposed to "recognizes," the program accrediting entity.

Response: The Board accepts the suggested changes.” While the Board believes that the requirement for training programs to be accredited at the time of an applicant’s graduation is an implied standard, it agreed to include the qualifier for added clarity. The Board amended Section 1399.152(c) accordingly.

- 3) Comment: ASHA suggested grammatical changes to Section 1399.152 (d) in an effort to provide further clarity to the proposed audiology doctoral training program criteria.

Response: The Board did not incorporate the grammatical changes, as the Board amended the entire section based on further research and other comments as described below.

Organization/Individual: Steven J. Krammer, Ph.D., Head, Division of Audiology San Diego State University/Co-Director SDSU/UCSD Joint AuD Program

- 1) Comment: In his letter, Dr. Krammer commented that he was disappointed that the Board did not specify that the audiology doctoral training programs must be a four year curriculum. Dr. Krammer provided compelling arguments as to why specificity in program length is critical.

Response: The Board rejects the comment, as it has determined that establishing specific doctoral training program criteria is unnecessary. The Board concluded that identifying the accreditation standards for professional training programs is sufficient in that all existing training programs in speech-language pathology and audiology structure their respective program components to meet the established national program accreditation standards.

- 2) Comment: Dr. Krammer suggested that audiology training programs identified as candidate programs be included in 1399.152(b), as the language clearly provides for candidate speech-language pathology programs.

Response: The Board agrees with the suggestion and has amended the regulation text, but has included such amendments in 1399.152 (c).

- 3) Comment: Dr. Krammer commented that “it is unfortunate” that the Board’s language recognizes non-accredited audiology doctoral training programs in 1399.152(d). He suggested that subsection (d) be eliminated.

Response: The Board agrees with Dr. Krammer’s comments and has deleted the references in subsection (d) that provided alternate program standards for unaccredited audiology doctoral training programs. However, the Board did retain the authority to approve other accrediting bodies that accredit audiology training programs, provided that such bodies meet the standards established in subsection (b).

Organization/Individual: Carol L. Mackersie, Ph.D., Associate Professor of Audiology, San Diego State University

Comment: Dr. Mackersie stated in her letter that she is concerned that the proposed language is not consistent with the American Academy of Audiology (AAA) language regarding educational programs. She commented that “the omission of the requirement for a 4-year degree program

leaves open the possibility for 3/3.5 year programs.” Dr. Mackersie stated that a resolution passed by the AAA maintains “that degree programs less than four years represent a significant threat to the progress of the profession of Audiology...” Dr. Mackersie included a copy of the referenced AAA resolution, as published in *Audiology Today*.

Response: While the Board respects the arguments in support of defining program length, it does not find the inclusion of such language necessary, as previously discussed under the comments submitted by Dr. Steven Krammer.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE NOTICE PERIOD (9/15/05-9/30/05):

Organization/Individual: Steven J. Krammer, Ph.D., Head, Division of Audiology, San Diego State University/Co-Director SDSU/UCSD Joint AuD Program

- 1) Comment: Dr. Krammer commented that the language referenced in 1399.152(d) should include candidacy program status granted by other accrediting bodies and not restrict such status to recognition by the American Speech-Language-Hearing Association’s accrediting body.

Response: The Board agrees with the suggestion and amended the proposed language in 1399.152(d) to acknowledge candidacy status as awarded by other recognized accrediting organizations.

- 2) Comment: Dr. Krammer stated that he was unclear as to why language was inserted into 1399.152(c) regarding graduate audiology program accreditation unless it extends the Master’s Degree programs through the final accreditation cycle as established by the accrediting organization approved by ASHA. He stated that he “liked the previous draft where it was clear that for audiology, an approved institution was required to offer a doctoral degree.”

Response: The Board’s intent in providing for the approval of graduate audiology programs is to continue to support existing licensing qualifications for applicants who possess a Master’s Degree in audiology from a board-approved program. As stated in the Initial Statement of Reasons, the licensing law, Business and Professions Code Section 2532.2, has not been amended to require that applicants possess a doctoral degree in audiology in order to qualify for licensure. Therefore, applicants who possess a Master’s Degree in audiology from a board-approved (accredited) program should not be precluded from obtaining a state license.

- 3) Comment: Dr. Krammer reiterated his disappointment that there was still no mention of the requirement that audiology doctoral programs must be 4 years in length.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE SECOND 15-DAY NOTICE PERIOD (11/17/05-12/2/05):

No comments were received during this public comment period.